

COUNSEL LISTED ON NEXT PAGE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DAVID HALTERMAN

Plaintiff,

v.

LEGATO SOFTWARE, a Division of
EMC Corporation; EMC Corporation,
dba EMC PERIPHERALS INC.; and
DOES I - X,

Defendants.

) Case No. C04-2660 JW (PVT)

) **STIPULATION AND [PROPOSED] ORDER**
) **CHANGING TIME FOR DISCLOSURE OF**
) **EXPERT WITNESSES PURSUANT TO**
) **CIV. L.R. 6-2(A)**

STIPULATION AND [PROPOSED] ORDER CHANGING TIME FOR DISCLOSURE
OF EXPERT WITNESSES PURSUANT TO CIV. L.R. 6-2(A)

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20 Attorneys for Defendant
EMC CORPORATION
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1 PURSUANT TO LOCAL RULE 6-2(a), Plaintiff David Halterman and Defendant EMC
2 Corporation (collectively, "the parties") stipulate as follows:

3 WHEREAS, the October 26, 2004 Scheduling Order requires the parties to disclose expert
4 witnesses and exchange reports on or before July 14, 2005;

5 WHEREAS, a corporate deposition of Defendant EMC (i.e., person most knowledgeable
6 regarding certain revenue allocation issues) was scheduled by the parties for July 12, 2005;

7 WHEREAS, Plaintiff has informed Defendant that she desires to have the results of this
8 deposition considered by her expert in preparing the expert report and cannot reasonably do so in
9 light of the current expert witness disclosure and report date;

10 WHEREAS, the parties have sought only one prior modification to the pre-trial schedule,
11 relating to mental health experts;

12 WHEREAS, the parties are jointly seeking an extension of the schedule only for a period of
13 approximately two weeks;

14 IT IS HEREBY STIPULATED by and between the parties to this action through their
15 designated counsel as follows:

16 1. The parties respectfully request that this Court modify the October 26, 2004
17 Scheduling Order as follows:

18 (a) the last day for disclosure of experts (except for mental health experts,
19 which are covered by a separate Order), and exchange expert reports be continued for
20 approximately two weeks from July 14, 2005 to July 29, 2005;

21 (b) the last day for disclosure of rebuttal experts (except for mental health
22 experts) and exchange expert reports be continued for approximately two weeks from July 25,
23 2005 to August 9, 2005; and

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1 (c) the close of discovery remain September 14, 2005, (except with respect to
2 mental health experts which are subject to a separate Order).

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4 *DICKSON-ROSS LLP*

5 */s/ electronically*

6 Date: July 7, 2005

7 Kathryn Burkett Dickson
8 Attorneys for Plaintiff
9 David Halterman

10 *ORRICK, HERRINGTON & SUTCLIFFE*

11 ***SIGNED IN COUNTERPART***

12 Date: _____

13 Michael D. Weil
14 Attorneys for Defendant
15 EMC Corporation

16 **IT IS SO ORDERED.**

17 Dated: 7/8/05

18 *Patricia V. Trumbull*
19 PATRICIA TRUMBULL
20 UNITED STATES MAGISTRATE JUDGE
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